

**TOWN OF NEEDHAM
CONSERVATION COMMISSION
MEETING MINUTES
Thursday, February 25, 2016**

LOCATION: Public Services Administration Building (PSAB), Charles River Room

ATTENDING: Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Cory Rhoades, Matthew Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Patricia Carey, Mark Cooperman, Michael Retzky, Mary Rimmer, Les Shea, Andy Truman, Brian Whalen, Susan Whalen

J. Carter Bernardo opened the public meeting at 7:30 pm.

MISCELLANEOUS BUSINESS:

Motion to approve the Meeting Minutes of February 11, 2016 by P. Oehlkers, seconded by J. Carter Bernardo, approved 2-0-2 (S. Farr and C. Rhoades abstained)

ENFORCEMENT & VIOLATION UPDATES

NONE

HEARINGS

0 ROSEMARY STREET (ROSEMARY POOL) – *continued* ABBREVIATED NOTICE OF RESOURCE AREA DELINEATION (DEP FILE #234-753)

Applicant/Owner: Town of Needham – Public Facilities - Construction

Project: The ANRAD was submitted under the MA Wetlands Protection Act and the Town of Needham Wetlands Protection Bylaw for approval of wetland resource types and locations on four lots owned by the Town of Needham.

Present for the Applicant: Mary Rimmer of Rimmer Environmental, Andy Truman of Samiotes Consultants, Inc. and Michael Retzky and Patricia Carey from the Town of Needham.

Supporting Documents include:

- ❑ WPA Form 4A – Abbreviated Notice of Resource Area Delineation and supporting documents received January 28, 2016
- ❑ Needham Wetlands Protection Bylaw Application for Permit received January 28, 2016
- ❑ Plan entitled: “Abbreviated Notice of Resource Area Delineation Rosemary Pool 0 Rosemary Street Needham, Massachusetts”, prepared by Samiotes Consultants Inc., stamped and signed by Todd M. Chapman, P.L.S. No. 46322, dated 1/28/2016.
- ❑ Plan entitled: “Abbreviated Notice of Resource Area Delineation Rosemary Pool 0 Rosemary Street Needham, Massachusetts” (8 sheets), prepared by Samiotes Consultants Inc., stamped and signed by Todd M. Chapman, P.L.S. No. 46322, dated 2/25/2016.

J. Carter Bernardo opened the Public Hearing at 7:45 pm.

J. Carter Bernardo thanked M. Rimmer for joining the Commission on the site walk of the site on 2/20/16.

M. Varrell stated that they had received the revised plans, as requested. M. Rimmer had reached out to MassDEP to find out if they had any issues with the filing, they did not.

J. Carter Bernardo stated that the purpose of the ANRAD is for the Commission to approve the resource areas identified in the filing including: Bordering Vegetated Wetlands; Bank; 200-foot Riverfront Area; Bordering Land Subject to Flooding and Land Under Water Bodies. There is no project proposed.

M. Varrell added that S. Farr and C. Rhoades had signed Mullen Forms stating they had reviewed the Meeting Minutes (as they had not been in attendance at the previous meeting) in order to be eligible to vote.

Motion to close the public hearing for 0 ROSEMARY STREET (ROSEMARY POOL) (DEP FILE #234-753) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0

Motion to issue the Order of Resource Area Delineation for 0 ROSEMARY STREET (ROSEMARY POOL) (DEP FILE #234-753) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0

130 SOUTH STREET – continued NOTICE OF INTENT (DEP FILE #234-752)

Applicant/Owner: Lana Sokolove

Project: Proposed planting of six native trees to mitigate for unauthorized clearing of trees in 2012 within the 200-foot Riverfront Area and the 100-foot Buffer Zone to Bordering Vegetated Wetlands and Bank.

Present for the Applicant: Mark Cooperman, Ecoterra Design, LLC.

Supporting Documents include:

- ❑ WPA Form 3 – Notice of Intent and supporting documents received January 21, 2016
- ❑ Needham Wetlands Protection Bylaw Application for Permit received January 21, 2016

J. Carter Bernardo opened the Public Hearing at 8:00 pm.

J. Carter Bernardo stated that S. Farr and C. Rhoades had signed Mullen Forms stating they had reviewed the Meeting Minutes (as they had not been in attendance at the previous meeting) in order to be eligible to vote.

Mark Cooperman of Ecoterra Design, LLC represented Ms. Sokolove. M. Cooperman reviewed what the Commission had requested from the previous Hearing. An additional Bylaw Fee has been submitted and the planting plan was revised to include installation of five (5) 2-inch diameter Red Maple saplings and two (2) 1 to 1.5-inch diameter Red Maple Saplings. The last outstanding item pertained to the status of the Natural Heritage and Endangered Species Program (NHESP) comments regarding the project. M. Cooperman stated that the NHESP comment letter included a finding of “no adverse effect” regarding the Massachusetts Wetlands Protection Act. Under MESA, NHESP stated that the project is not exempt (as had been proposed by the Applicant) and that an application under the MESA regulations was required. M. Varrell stated that he had previously sent any and all documentation regarding the violation, including the Enforcement Order, to the NHESP. M. Cooperman suggested the Commission close the Hearing and issue the Order of Conditions with a condition that work may not proceed until the MESA permitting is complete. M. Cooperman stated that he can meet M. Varrell in the field and flag the locations for the proposed tree installations and give the Arborist the okay to proceed in planting the trees this spring.

Motion to close the public hearing for 130 South Street (DEP File #234-752) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

Motion to issue the Order of Conditions for 130 South Street (DEP File #234-752) by P. Oehlkers, seconded by C. Rhoades, approved 4-0-0.

OTHER BUSINESS

REQUEST FOR CERTIFICATE OF COMPLIANCE – 450 CHESTNUT STREET (DEP FILE #234-729)

M. Varrell explained that this Request is for a recent project where the wetlands are located across the street from the property. There were a couple of minor revisions to the Plan that resulted in less impervious surface. The site is stable. M. Varrell noted that a loop driveway had been proposed which would have increased the impervious area, however; they instead installed a single driveway with a hammerhead to turn around in consisting of two strips of pervious pavers minimizing the impervious area.

Motion to issue a Certificate of Compliance for 450 Chestnut Street (DEP File #234-729) by C. Rhoades, seconded by P. Oehlkers, approved 4-0-0.

DISCUSSION ITEM – PERMANENT MARKER SUBSTITUTION FOR FIELD RESOURCES, INC. PROJECT

M. Varrell showed the Commission a proposed permanent marker that Field Resources, Inc. was proposing to substitute for granite bound installation as a permanent demarcation. It is essentially an iron post and rebar topped with a fitted cap that would be labeled with “Limit of Work NCC” or similar. J. Carter Bernardo stated that the Commission had discussed the potential use of this “system” several years ago. M. Varrell stated that he thinks the iron rod and cap is too small to be effective. He stated that after a year or two weeds would probably grow up around it. M. Varrell added that the new emblems the Conservation Department has had made to place on top of granite/concrete bounds to act as permanent markers would now be required, but as this is an older project the OOC stated that any proposed markers will need to be approved by the Commission. P. Oehlkers explained that the marker proposed by Field Resources is not acceptable because the plastic cap will eventually break, the language on the cap is not detailed enough to describe its purpose and the rod is too small to be effective. The Commission agreed the proposed marker is not acceptable and recommended use of the available emblems.

DISCUSSION ITEM – MARCH 10, 2016 CONSERVATION COMMISSION MEETING

M. Varrell asked if the Commission would want to cancel the scheduled March 10, 2016 Conservation Commission Meeting to support “Needham Un-Plugged”. There have been no new filings submitted.

Motion to cancel the Conservation Commission Meeting scheduled for March 10, 2016 by Cory Rhoades, seconded by P. Oehlkers, approved 4-0-0.

DISCUSSION ITEM – M. VARRELL MANAGERS MEETING PRESENTATION

M. Varrell explained to the Commission that, as part of the Department Manager’s Meeting, he had put together a presentation showing different “trails projects” that were undertaken during the past year. The Town Manager, Kate Fitzpatrick, asked M. Varrell to do the presentation in front of the Board of Selectmen, which he did. The Selectmen’s Meeting was televised on the Needham Channel. The Needham Channel then contacted M. Varrell to do an interview about the trail improvements. He hopes the interview will be conducted at the Fuller Trail to give it some publicity.

Motion to adjourn the meeting by P. Oehlkers, seconded by S. Farr, approved 4-0-0.

The meeting was adjourned at 8:10 pm.

NEXT PUBLIC MEETING

Thursday, March 24, 2016 at 7:30 PM in the Public Services Administration Building, Charles River Room.